

**Staff
Summary
Report**



**To: Mayor and City Council
Through: City Manager**

**Agenda Item Number 22
Meeting Date: 04/26/01**

SUBJECT: WILSON PLACE CONDOMINIUMS #SIP-2001.26, #SHR-2001.36

PREPARED BY: Hector Tapia, Senior Planner (480-350-8331)

REVIEWED BY: Dave Fackler, Development Services Manager (480-350-8333)

q-j

BRIEF: This is the first public hearing for a site plan for Wilson Place Condominiums at 540 South Wilson Place.

COMMENTS: **PLANNED DEVELOPMENT (0406)** Hold the second public hearing for **WILSON PLACE CONDOMINIUMS** (Wilson Place Condominiums Association, property owner) for a Site Plan and Horizontal Regime located at 540 South Wilson Street. The following approval is requested from the city of Tempe:

#SIP-2001.26 A Site Plan for 13 condominium units (13,100 total building area) on 0.62 net acres at 540 South Wilson Street. **(Please see variances on page 2.)**

#SHR-2001.36 A Final Subdivision Plat, Horizontal Regime, for Wilson Place Condominiums consisting of 13 units on 0.62 net acres.

Document Name: 20010426devsrh03 **Supporting Documents:** Yes

SUMMARY: Wilson Place is an existing 13-unit condominium complex located at the north west corner of Wilson Street and the new proposed 6th Street re-alignment. Due to the new approved town home development (Brownstone at Hyde Park), 6th Street was dedicated as a public street. As part of the overall project, the developer of Brownstone at Hyde Park, under a mutual agreement with the Wilson Place Condominiums Association, proposes parking areas and landscape improvements along the new 6th Street alignment (at the south side of Wilson place Condominiums site). These improvements trigger some variances. In addition, the trash enclosure will be relocated from the southwest area to the northwest end of the subject site. The overall improvements appear to not only benefit the Wilson Place Condominiums owners but also the new approved adjacent town homes. An Amended Final Subdivision Plat (Horizontal Regime) is also part of this request to reflect any changes on property lines and street dedications. On April 19, 2001, Council held the first. Staff supports the requested site plan, variances, and Final Plat (Horizontal Regime) since it appears that the overall request benefits property owners, adjacent neighbors, and the neighborhood as part of neighborhood improvements, infill and redevelopment projects in the area.

RECOMMENDATION: Staff – Approval.
Public - None

- ATTACHMENTS:**
1. List of Attachments
 2. History & Facts / Description
 3. Comments
 4. Conditions of Approval
-
- A. Location Map
 - B. Site Plan, Final Plat (Horizontal Regime)
 - C. Horizontal Regime, Final Plat
 - D. Letter of Intent/Authorization
 - E. Previously approved Subdivision Plat (Horizontal Regime)

HISTORY & FACTS:

July 8, 1982.	City Council approved a Horizontal Regime subdivision for Wilson Place, a condominium development.
February 8, 2001.	City Council approved the Brownstone at Hyde Park townhomes, adjacent to the Wilson Place condominiums.
April 12, 2001.	City Council introduced this request.
April 19, 2001.	City Council held the first public hearing for this request.

DESCRIPTION:

Owner – Wilson Place Owners Association
Applicant – Roberts/Jones Associates
Architect – Jonathan Peiffer, AIA
Existing zoning – R-3
Total site area – 0.62 net acres
Existing Number of units - 13
Density allowed – 20 du/ac
Existing Density – 16 du/ac
Total bldg. area – 13,100 s.f.
Lot coverage – 24%
Parking required – 30 spaces
Total Parking provided – 26 (variance request)
RV parking required - 1
RV parking provided – 0 (previously approved variance)
Bicycle parking required - 14
Bicycle parking provided - 14
Minimum Landscaping Required - 30%
Landscape Provided – 46%

Requested Variances:

1. Waive the required parking screen walls along 6th Street.
2. Reduce the minimum required driveway length, along 6th Street from 20' to 6'.
3. Reduce the number of parking spaces required from 30 to 26.
4. Waive the required landscape islands at the end of parking rows.
5. Reduce the minimum required street side yard building setback from 25' to 6' for the parking structure columns along 6th Street.

COMMENTS: Wilson Place is an existing 13-unit condominium complex located at the north west corner of Wilson Street and the new proposed 6th Street re-alignment.

As part of the overall neighborhood improvement and the new approved town home development (Brownstone at Hyde Park), 6th Street was dedicated (recommended by Public Works staff) as a public street. The developer of Brownstone at Hyde Park, under a mutual agreement with the Wilson Place Condominiums Association, proposes parking areas and landscape improvements along the new 6th Street alignment (at the south side of Wilson place Condominiums site). These improvements require the approval of five (5) variances. All those variances relate to the proposed improvements and should not create any hardship or detriment to the Wilson Place Condominiums owners or adjacent property owners.

In addition, the trash enclosure will be relocated from the southwest area to the northwest end of the subject site. The overall improvements appear to not only benefit the Wilson Place Condominiums owners but also the new approved adjacent town homes.

An amended Final Subdivision Plat (Horizontal Regime) is also part of this request to reflect any changes on property lines and street dedications. Staff supports the requested site plan, variances, and Horizontal Regime amendment since it appears that the overall request benefits property owners, adjacent neighbors, and the neighborhood as part of neighborhood improvements, infill and redevelopment projects in the area. To date, no public input has been received.

**REASON(S) FOR
APPROVAL:**

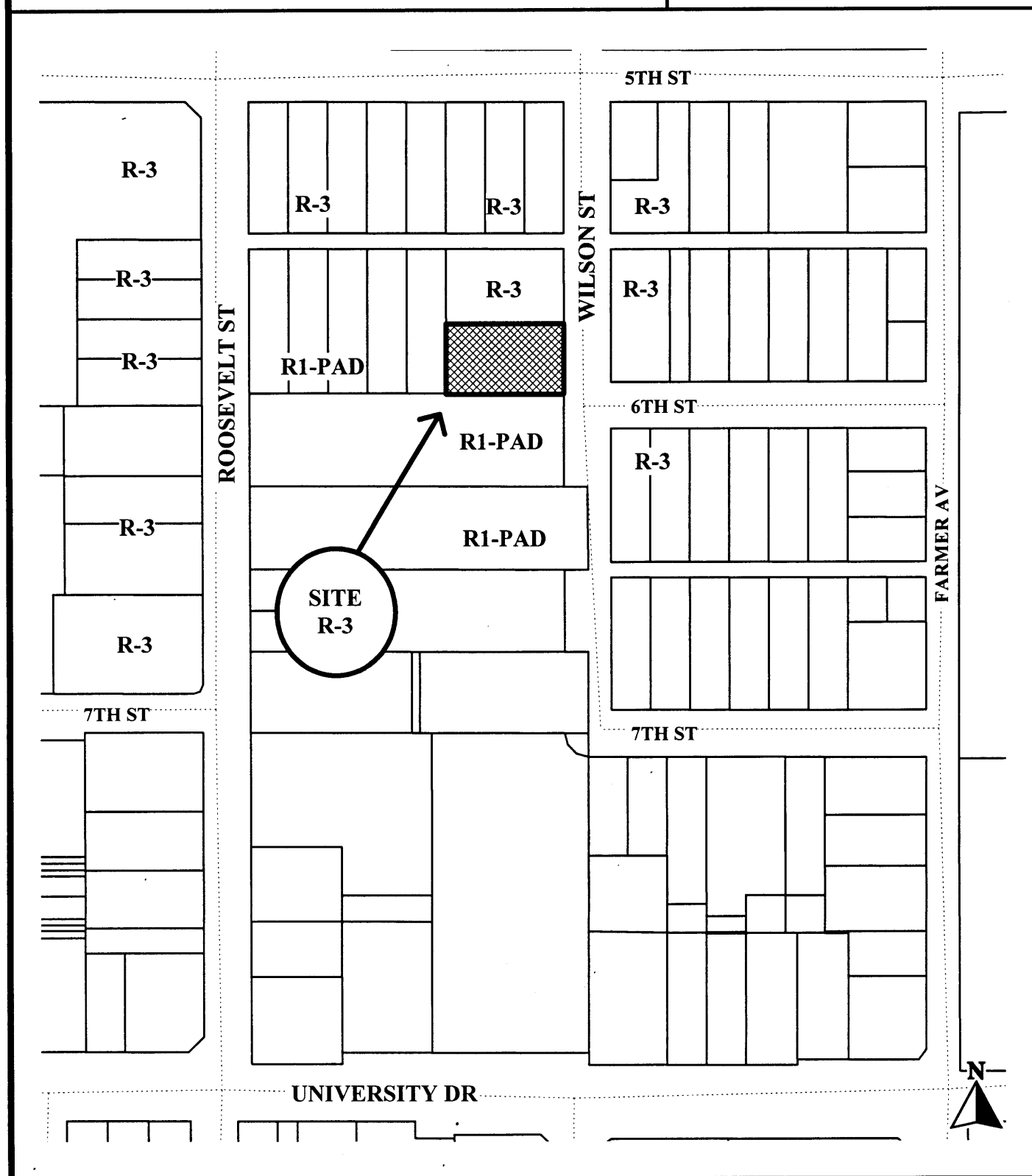
1. The approval of the requested variances should not be detrimental to adjacent property owners and appear to help improve the existing conditions of the parking areas of Wilson Place condominiums and the area along the proposed alignment of 6th Street.
2. The requested amendment to the existing recorded Horizontal Regime Plan should reflect and record all proposed modifications.

**CONDITION(S)
OF APPROVAL:**

1.
 - a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
 - b. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains.
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
 - c. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees.
 - (2) Water and/or sewer participation charges.
 - (3) Inspection and testing fees.
 - d. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
2.
 - a. All street dedications shall be made within six (6) months of Council approval.
 - b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
 - c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe - Section 25.120.
3. No variances may be created by future property lines without the prior approval of the City of Tempe.
4. A Final Subdivision Plat (Horizontal Regime) shall be recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department prior to building permits for the Wilson Place Condominiums improvements. The Planning Division staff, prior to recordation, shall review details of the document format.

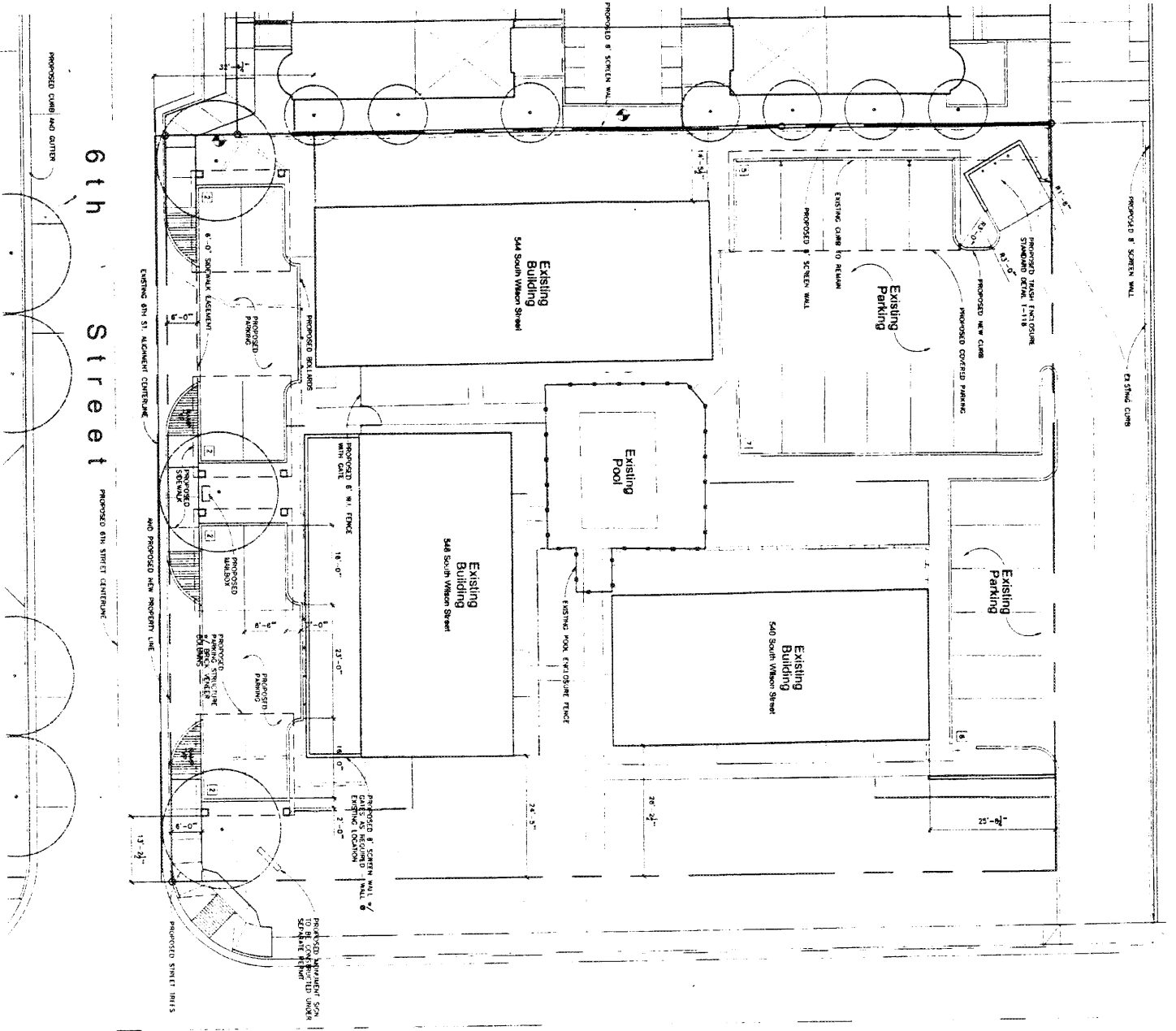
WILSON PLACE

SIP-2001.26
SHR-2001.36

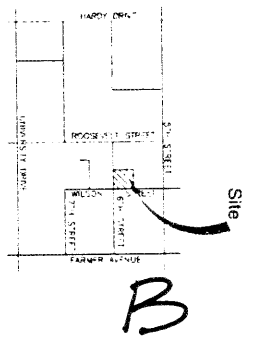


Location Map





Wilson Street



Vicinity Map

Project Data

Project Description

1. PARKING IMPROVEMENTS ALONG NEW PROPOSED 6TH STREET
2. COVERING EXISTING DRIVEWAY ALONG 6TH STREET
3. RELOCATING EXISTING DRIVEWAY ALONG 6TH STREET
4. RELOCATING EXISTING DRIVEWAY ALONG 6TH STREET
5. RELOCATING EXISTING DRIVEWAY ALONG 6TH STREET
6. RELOCATING EXISTING DRIVEWAY ALONG 6TH STREET
7. RELOCATING EXISTING DRIVEWAY ALONG 6TH STREET
8. RELOCATING EXISTING DRIVEWAY ALONG 6TH STREET
9. RELOCATING EXISTING DRIVEWAY ALONG 6TH STREET

Project Name / Address

Owner

Architect / Submitted by

Parcel Information

Building Information

Refuse/Recycle

Variances Requested

1. MAKE THE REQUIRED PARKING SPACES ALONG 6TH STREET
2. MAKE THE REQUIRED PARKING SPACES ALONG 6TH STREET
3. MAKE THE REQUIRED PARKING SPACES ALONG 6TH STREET
4. MAKE THE REQUIRED PARKING SPACES ALONG 6TH STREET
5. MAKE THE REQUIRED PARKING SPACES ALONG 6TH STREET

Wilson Place Improvements

Preliminary - Not for Construction

0 10 20 30 40

Site Improvements to:
Wilson Place Condominiums
Tempe Arizona

Robertson Associates, Inc.
Architect

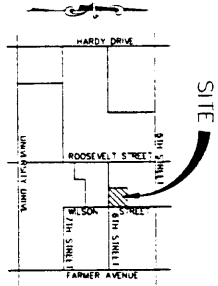


Site Plan



AMENDED COMMON ELEMENTS OF WILSON PLACE, A CONDOMINIUM DEVELOPMENT

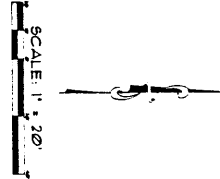
AN AMENDMENT TO THE COMMON ELEMENTS OF WILSON PLACE, AS RECORDED ON BOOK 243 OF MAPS, PAGE 49, MARICOPA COUNTY RECORDS, LYING IN SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



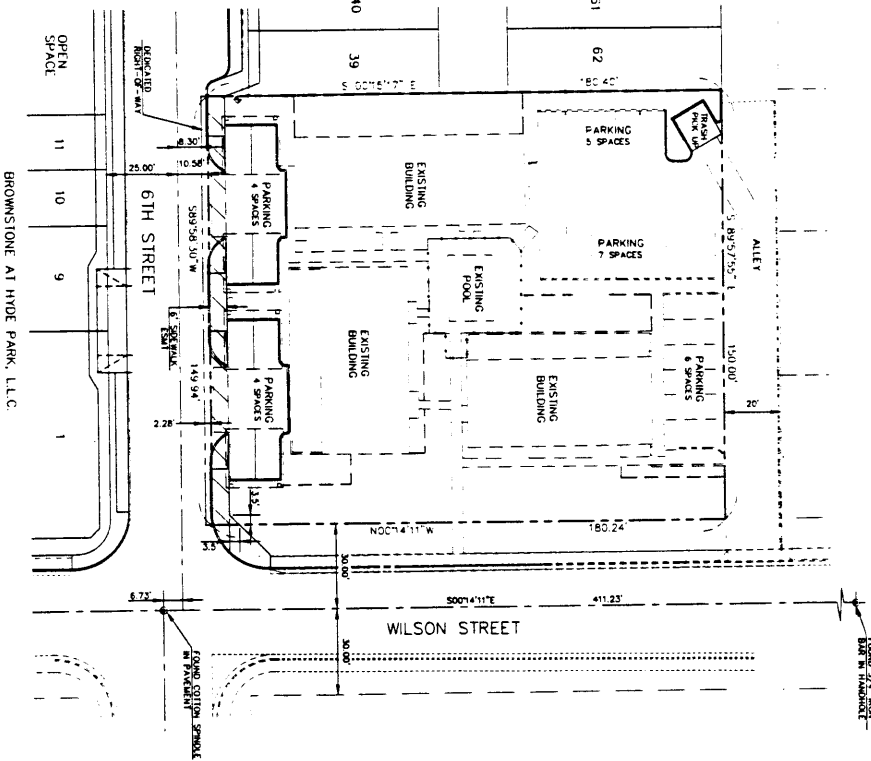
VICINITY MAP
N.T.S.

BENCHMARK:
BRASS CAP IN HANDHOLE AT THE INTERSECTION OF UNIVERSITY DRIVE AND ROOSEVELT STREET, ELEVATION 1154.61 (CITY OF TEMPE DATUM)

BASIS OF BEARING:
THE MONUMENT LINE OF UNIVERSITY DRIVE AS PER STATE PLAT NO. 12 PAGE 35 OF THE RECORDS OF MARICOPA COUNTY, TO THE POINT OF BEGINNING TO THE SOUTH 10 DEGREES 15' 42" E 589'48.42'.



BROWNSTONE AT HYDE PARK, L.L.C.



BROWNSTONE AT HYDE PARK, L.L.C.

RATIFICATION:
STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

KNOW ALL MEN BY THESE PRESENTS,

WILSON PLACE HOMEOWNERS ASSOCIATION, AS AUTHORIZED REPRESENTATIVE OF WILSON PLACE, A MARICOPA PROPERTY RECORD CREATED IN BOOK 243 OF MAPS, PAGE 49, U.C.E. HEREBY APPROVES AND AGREES TO THE DECLARATION AS STATED IN THE DECLARATION.

WILSON PLACE HOMEOWNERS ASSOCIATION

IN WITNESS WHEREOF:

AS AUTHORIZED REPRESENTATIVE, HAS CAUSED ITS NAME TO BE ATTACHED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF _____ AND ON BEHALF OF THE WILSON PLACE HOMEOWNERS ASSOCIATION, AS AUTHORIZED REPRESENTATIVE, ON THIS DAY OF _____, 2001.

BY _____

ACKNOWLEDGMENT:

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

ON THIS DAY OF _____, 2001, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC APPOINTED AND AS _____, WILSON PLACE HOMEOWNERS ASSOCIATION, AS AUTHORIZED REPRESENTATIVE, HAS CAUSED ITS NAME TO BE ATTACHED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF _____ AND ON BEHALF OF THE WILSON PLACE HOMEOWNERS ASSOCIATION, AS AUTHORIZED REPRESENTATIVE, ON THIS DAY OF _____, 2001.

IN WITNESS WHEREOF:

I HAVE UNTO SET MY HAND & OFFICIAL SEAL
BY _____ NOTARY PUBLIC
AT COMMISSION EXPIRES _____

DECLARATION:
STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

KNOW ALL MEN BY THESE PRESENTS,

WILSON PLACE HOMEOWNERS ASSOCIATION, AS AUTHORIZED REPRESENTATIVE OF WILSON PLACE, A MARICOPA PROPERTY RECORD CREATED IN BOOK 243 OF MAPS, PAGE 49, U.C.E. HEREBY APPROVES AND AGREES TO THE DECLARATION AS STATED IN THE DECLARATION. TO THE POINT OF BEGINNING TO THE SOUTH 10 DEGREES 15' 42" E 589'48.42'.

WILSON PLACE HOMEOWNERS ASSOCIATION

IN WITNESS WHEREOF:

AS AUTHORIZED REPRESENTATIVE, HAS CAUSED ITS NAME TO BE ATTACHED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF _____ AND ON BEHALF OF THE WILSON PLACE HOMEOWNERS ASSOCIATION, AS AUTHORIZED REPRESENTATIVE, ON THIS DAY OF _____, 2001.

ACKNOWLEDGMENT:

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

ON THIS DAY OF _____, 2001, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC APPOINTED AND AS _____, WILSON PLACE HOMEOWNERS ASSOCIATION, AS AUTHORIZED REPRESENTATIVE, HAS CAUSED ITS NAME TO BE ATTACHED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF _____ AND ON BEHALF OF THE WILSON PLACE HOMEOWNERS ASSOCIATION, AS AUTHORIZED REPRESENTATIVE, ON THIS DAY OF _____, 2001.

IN WITNESS WHEREOF:

I HAVE UNTO SET MY HAND & OFFICIAL SEAL
BY _____ NOTARY PUBLIC
AT COMMISSION EXPIRES _____



CROSS AREA 0.62 ACRES	FLEET & FISHER
DESIGNER	ENGINEERING INC.
PROJECT NO. 243-01	243-01
SHEET 1 OF 1	

B1



BROWNSTONE
RESIDENTIAL

March 19, 2001

Wilson Place Homeowners Association
c/o Mr. Stephen Pender, President
544 South Wilson, #105
Tempe, Arizona 85281

Re: Agreements Concerning Boundary Between Wilson Place Condominiums ("Wilson Place") and Brownstone at Hyde Park ("Brownstone")

Dear Mr. Pender:

This letter agreement will set forth the agreements between Wilson Place Homeowners Association ("Association") and Brownstone at Hyde Park, L.L.C. ("Developer") concerning various matters related to the boundary between our respective properties described above. At a meeting of your Association held on ~~March 21~~ ^{Feb. 21} 2001, the members of your Association approved the actions described in this letter and authorized you, as President, to execute this letter agreement on behalf of and with the effect of binding the Association and its members. Therefore, the Association and Developer agree as follows:

1. In conjunction with Developer's development of Brownstone, Developer will install improvements to Wilson Place pursuant to the plan dated ~~March 21~~ ^{Feb. 21} 2001 prepared by Roberts/Jones Associates, Inc. entitled "Wilson Place Improvements", subject to any requirements, changes and adjustments required by the City of Tempe as a condition of approval. The following is a summary of the agreed to improvements:

(a) Relocate dumpster and screening from the southwest corner to the northwest corner of Wilson Place, with modifications to parking covers at the southwest corner of that property, consisting of a steel structure with modular brick columns per sketch.

(b) Relocate gang mailbox from current location to east.

(c) Modify parking spaces on south side of Wilson Place. This will include installation of new covered parking over the eight (8) new spaces.

(d) Install community identification monumentation on the southeast corner of Wilson Place in substantial compliance with the Hyde Park community sign erected in the northeast corner of Hyde Park.

C

Wilson Place Homeowners Association

March 19, 2001

Page 2

(e) Replace existing wood fence and gates along the south of a building at the southeast corner of Wilson Place with concrete block fence with a wrought iron gate with wood slats.

(f) Replace existing six-foot concrete block fence with a six foot concrete block fence with a two foot wrought iron top along the west property line of Wilson Place, subject to City approval.

(g) Install landscaping per City approved plans and tie into the sprinkler system for Wilson Place.

2. The Association is agreeable to an amendment to the plat for Wilson Place whereby the south property line of Wilson Place is moved approximately two feet to align with the back of curb of the proposed Sixth Street. The plat amendment would also provide an easement to the City of Tempe for the use and maintenance of the sidewalk shown on the plan dated ~~March 27,~~ ^{March 28,} 2001.

3. The Association and all of its owners acknowledge that Developer will have to obtain some variances with respect to the improvements proposed for Wilson Place. As a minimum, the following five variances have been identified:

- (a) Waive the required parking screen walls along Sixth Street.
- (b) Reduce the minimum required driveway length, along Sixth Street, from 20' to 6'.
- (c) Reduce the number of parking spaces required from 30 to 26.
- (d) Waive the required landscape islands at the end of parking rows.
- (e) Reduce the minimum required street side yard building setback from 25' to 6' for the parking structure columns along Sixth Street.

The Association and its members do not oppose and will not oppose these or any other required variances. Rather, the Association and its members agree to actively support these and other required variances which are for the overall best interest of Wilson Place and authorize you as President to acknowledge the same in writing as required by the City of Tempe.

4. The Association, through you as President, will sign a letter of authorization allowing Developer to implement the foregoing provision, and specifically to obtain approvals and permits required and to proceed with the installation of the improvements described, subject to any requirements, changes or revisions required by the City of Tempe in conjunction with its approvals. In addition, the Association has authorized you as President to sign on its behalf and on behalf of all owners at Wilson Place the required plat amendment and variances to implement these provisions. Developer will keep you, on behalf of the Association, informed of progress in

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Wilson Place Homeowners Association

March 19, 2001

Page 3

processing these improvements, plat amendment, variances and related items and any material issues or changes that may arise.

5. All costs related to the processing, approval, permitting and installation of improvements, and the required plat amendment and variances, will be the responsibility of Developer. Developer will carry customary liability insurance and name the Association as an additional insured while the Wilson Place work described in this letter is in process.

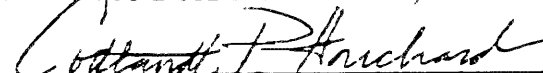
6. Developer will proceed with the improvements described in this letter in conjunction with the development of Hyde Park pursuant to construction schedules determined by Developer and its contractors. In the process of installing these improvements, Developer will require its contractors to reasonably minimize interference to the Association and all of its members and the residents of Wilson Place. However, Wilson Place acknowledges that during construction, there will be some temporary loss or dislocation of parking due to construction along Sixth Street and Developer will have no responsibility to provide alternative parking. It is anticipated that the replacement parking will be completed within six (6) months after Developer commences the Wilson Place improvements.

Please confirm the agreement of the Association and its members to the terms and provisions of this letter by signing this letter where provided below whereupon this letter agreement shall be in full force and effect as an agreement between the Developer and the Association and its members. Thank you for your continuing cooperation and assistance.

Very truly yours,

BROWNSTONE AT HYDE PARK, L.L.C.

By



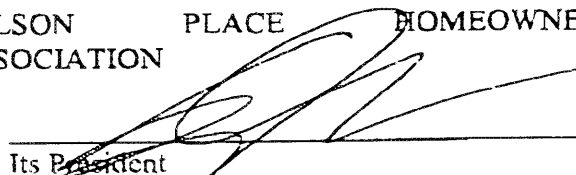
Cortlandt P. Houchard

Its Authorized Representative

The foregoing letter and all of its terms and provisions is accepted this 19 day of March, 2001.

WILSON PLACE HOMEOWNERS
ASSOCIATION

By



Its President

STEPHEN D. PENDER

C2

WILSON PLACE, A CONDOMINIUM DEVELOPMENT

VISION OF LOTS 9, 10 AND 11 OF "TRACT 10," AS KNOWN, STATE PLAT NO. 12, ATTENDED AS RECORDED IN BOOK 60 OF MAPS, PAGE 38, MARICOPA COUNTY RECORDS, AND THAT PORTION OF DIRECT RIGHT-OF-WAY ABANDONED AS PER CITY OF TEMPE ORDINANCE 088, ACCORDING TO THE 1956 ERIE RIVER DAM AND MERIDIAN, MARICOPA COUNTY RECORDS, AND LYING IN SECTION 10, TOWNSHIP 1 NORTH, RANGE 4 EAST, GILA AND SALT

RECEIVED

AUG 1 1982

CITY OF TEMPE
PLANNING DEPT

SINKING DEVELOPMENT CORPORATION. AN ARIZONA CORPORATION, AS OWNER:

Harry A. Lamb, President

ACKNOWLEDGEMENT:
STATE OF ARIZONA
COUNTY OF MARICOPA

ON THIS, THE 3 DAY OF August, 1962, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARING A. L. MUE, WHO ACKNOWLEDGED HIMSELF TO BE PRESIDENT OF MINNAPAC DEVELOPMENT CORPORATION, A MINNAPAC CORPORATION, AS OWNER, AND ACKNOWLEDGED THAT HE, AS SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

June 17 1965

MY COMMISSION EXPIRES SEPTEMBER 1, 1952.
 MY CURRENT POSITION IS SECRETARY.

)

CERTIFICATE

CONVICTION 3 SECTION 10(1)
I, **LEWIS B. JONES**, HEREBY CERTIFY THAT I AM A REGISTERED LAND

SURVEYOR IN THE STATE OF ARIZONA. THAT THIS MAP CONSISTING OF TWO SHEETS CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF

1982, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL POSITIONS SHOWN ACTUALLY EXIST AS SHOWN, THAT THEIR POSITIONS ARE CORRECT AND ACCURATE AS SHOWN, AND THAT SAID INFORMATION IS SUFFICIENT TO ENABLE THE SURVEY TO BE USED AS A BASIS FOR THE CONVEYANCE OF THE LAND DESCRIBED.

ACCOMPLISH AS STATION AND THAT SAID MEMBERS ARE OBLIGATED TO CARRY THE BURDEN TO BE ATTRACED.

2180 . . .
451 8 7 82000 8 12000

Answer

André

[illegible]

BASIS OF HEARINGS

THE REFERENCE ON TO V OF THE MOUNTAIN LINE IN WIN STREET WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

REFERENCE :

ADDRESS CAP IN HANDOUT AT THE INTERSECTION OF UNIVERSITY DR. AND PRIEST RD.
ILLUSTRATION - 1963-87 CITY OF TROY DATUM

TEMPERARY BENCH MARK - CHISELED "B" ON THE NORTHEAST CURB RETURN OF THE INTERSECTION OF WILSON ST. AND 8TH ST.

SECRET
NO FOREIGN DISSEM

APPROVALS: 8-6-52
 PREPARED BY: City Engineer
 DATE: 8-5-52
 CITY ENGINEER
 PREPARED BY: City Engineer
 DATE: 8-5-52
 CITY ENGINEER
 PREPARED BY: City Engineer
 DATE: 8-5-52
 CITY ENGINEER

BASIS OF BEARINGS:

BENCHMARK:

MASS GAP IN HANNOVER AT THE INTERSECTION OF UNIVERSITY DR. AND PRIEST RD.
INTERSECTION - 1163.07 CITY OF TROY DATA
INTERSECTION MARCH 87 CHASED "X" ON THE NORTHWEST CURB RETURN OF THE
INTERSECTION OF WILSON ST. AND ELM ST.
INTERSECTION - 1154.11 Chase and Elm St.

SCALE - 1" = 20'
JOB NO. 373082

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SHEET 1 OF 2

High Engineering Corporation
1770 S. 6th Ave. - Suite 17
West Miami, FL 33134

WINE PLANT. "WILSON PLACE". CONTINUING MAP. JOB NO 819082. JUNE, 1962

Wilson Place Homeowners Association
March 19, 2001
Page 3

processing these improvements, plat amendment, variances and related items and any material issues or changes that may arise.

5. All costs related to the processing, approval, permitting and installation of improvements, and the required plat amendment and variances, will be the responsibility of Developer. Developer will carry customary liability insurance and name the Association as an additional insured while the Wilson Place work described in this letter is in process.

6. Developer will proceed with the improvements described in this letter in conjunction with the development of Hyde Park pursuant to construction schedules determined by Developer and its contractors. In the process of installing these improvements, Developer will require its contractors to reasonably minimize interference to the Association and all of its members and the residents of Wilson Place. However, Wilson Place acknowledges that during construction, there will be some temporary loss or dislocation of parking due to construction along Sixth Street and Developer will have no responsibility to provide alternative parking. It is anticipated that the replacement parking will be completed within six (6) months after Developer commences the Wilson Place improvements.

Please confirm the agreement of the Association and its members to the terms and provisions of this letter by signing this letter where provided below whereupon this letter agreement shall be in full force and effect as an agreement between the Developer and the Association and its members. Thank you for your continuing cooperation and assistance.

Very truly yours,

BROWNSTONE AT HYDE PARK, L.L.C.

By



Cortlandt P. Houchard

Its Authorized Representative

The foregoing letter and all of its terms and provisions is accepted this 19 day of March, 2001.

WILSON PLACE HOMEOWNERS
ASSOCIATION

By



Its President

STEPHEN D. PENDER

Wilson Place Homeowners Association

March 19, 2001

Page 2

(e) Replace existing wood fence and gates along the south of a building at the southeast corner of Wilson Place with concrete block fence with a wrought iron gate with wood slats.

(f) Replace existing six-foot concrete block fence with a six foot concrete block fence with a two foot wrought iron top along the west property line of Wilson Place, subject to City approval.

(g) Install landscaping per City approved plans and tie into the sprinkler system for Wilson Place.

2. The Association is agreeable to an amendment to the plat for Wilson Place whereby the south property line of Wilson Place is moved approximately two feet to align with the back of curb of the proposed Sixth Street. The plat amendment would also provide an easement to the City of Tempe for the use and maintenance of the sidewalk shown on the plan dated ~~March 27,~~ ^{Feb} 2001.

3. The Association and all of its owners acknowledge that Developer will have to obtain some variances with respect to the improvements proposed for Wilson Place. As a minimum, the following five variances have been identified:

- (a) Waive the required parking screen walls along Sixth Street.
- (b) Reduce the minimum required driveway length, along Sixth Street, from 20' to 6'.
- (c) Reduce the number of parking spaces required from 30 to 26.
- (d) Waive the required landscape islands at the end of parking rows.
- (e) Reduce the minimum required street side yard building setback from 25' to 6' for the parking structure columns along Sixth Street.

The Association and its members do not oppose and will not oppose these or any other required variances. Rather, the Association and its members agree to actively support these and other required variances which are for the overall best interest of Wilson Place and authorize you as President to acknowledge the same in writing as required by the City of Tempe.

4. The Association, through you as President, will sign a letter of authorization allowing Developer to implement the foregoing provision, and specifically to obtain approvals and permits required and to proceed with the installation of the improvements described, subject to any requirements, changes or revisions required by the City of Tempe in conjunction with its approvals. In addition, the Association has authorized you as President to sign on its behalf and on behalf of all owners at Wilson Place the required plat amendment and variances to implement these provisions. Developer will keep you, on behalf of the Association, informed of progress in

C₁



BROWNSTONE
RESIDENTIAL

March 19, 2001

Wilson Place Homeowners Association
c/o Mr. Stephen Pender, President
544 South Wilson, #105
Tempe, Arizona 85281

Re: Agreements Concerning Boundary Between Wilson Place Condominiums ("Wilson Place") and Brownstone at Hyde Park ("Brownstone")

Dear Mr. Pender:

This letter agreement will set forth the agreements between Wilson Place Homeowners Association ("Association") and Brownstone at Hyde Park, L.L.C. ("Developer") concerning various matters related to the boundary between our respective properties described above. At a meeting of your Association held on ~~March 21~~ ^{Feb. 27} 2001, the members of your Association approved the actions described in this letter and authorized you, as President, to execute this letter agreement on behalf of and with the effect of binding the Association and its members. Therefore, the Association and Developer agree as follows:

1. In conjunction with Developer's development of Brownstone, Developer will install improvements to Wilson Place pursuant to the plan dated ~~March 21~~ ^{Feb. 27} 2001 prepared by Roberts/Jones Associates, Inc. entitled "Wilson Place Improvements", subject to any requirements, changes and adjustments required by the City of Tempe as a condition of approval. The following is a summary of the agreed to improvements:

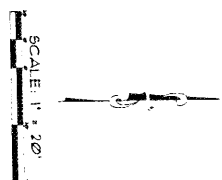
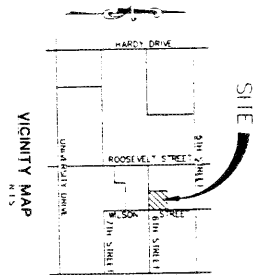
(a) Relocate dumpster and screening from the southwest corner to the northwest corner of Wilson Place, with modifications to parking covers at the southwest corner of that property, consisting of a steel structure with modular brick columns per sketch.

(b) Relocate gang mailbox from current location to east.

(c) Modify parking spaces on south side of Wilson Place. This will include installation of new covered parking over the eight (8) new spaces.

(d) Install community identification monumentation on the southeast corner of Wilson Place in substantial compliance with the Hyde Park community sign erected in the northeast corner of Hyde Park.

AMENDED COMMON ELEMENTS OF WILSON PLACE, A CONDOMINIUM DEVELOPMENT **AN AMENDMENT TO THE COMMON ELEMENTS OF WILSON PLACE, AS RECORDED ON BOOK 243 OF MAPS, PAGE 48, MARICOPA COUNTY RECORDS, LYING IN SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.**



BENCHMARK
BRASS MARK SET IN CONCRETE AT
UNIVERSITY DRIVE AND
ROOSEVELT STREET
ELEVATION = 1124.81 (CITY OF
TULSA, OKLAHOMA)

BASIS OF BEARING
THE MONUMENTAL CORNER OF UNIVERSITY
DRIVE AND UNIVERSITY DRIVE
PAVED 38' WIDE HOVIAE PRODUCT
OUTLIER TO THE RIGHT TO MARK
THE CORNER DATA OF
SHE-4472.

RATIFICATION:
STATE OF ARIZONA }
COUNTY OF MARICOPA } 55

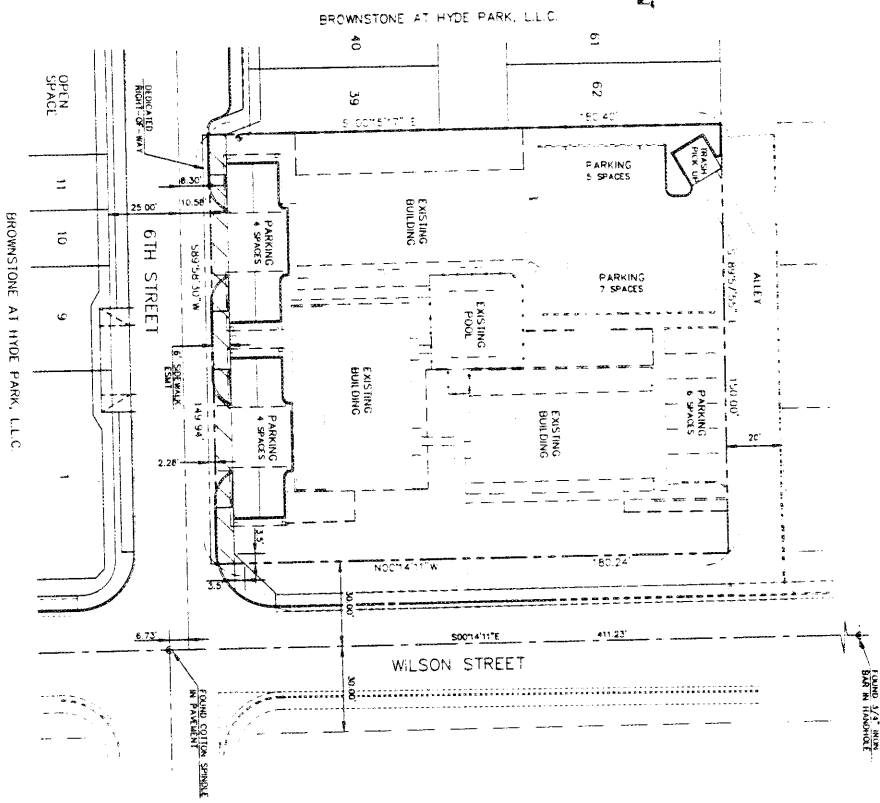
KNOW ALL MEN BY THESE PRESENTS
THAT WILSON PLACE HOMEOWNERS ASSOCIATION, AS AUTHORIZED REPRESENTATIVE OF
THE HOMEOWNERS ASSOCIATION, HAS CAUSED ITS NAME TO BE ATTACHED AND THE
SIGNED BY THE UNDERSIGNED NOTARY PUBLIC, APPROVES AND ADOPTS THE
DECLARATIONS AS STATED IN THE DECLARATION.

WILSON PLACE HOMEOWNERS ASSOCIATION
IN WITNESS WHEREOF:
WILSON PLACE HOMEOWNERS ASSOCIATION HAS CAUSED ITS NAME TO BE ATTACHED AND THE
SIGNED BY THE UNDERSIGNED NOTARY PUBLIC, APPROVES AND ADOPTS THE
DECLARATIONS AS STATED IN THE DECLARATION.

ACKNOWLEDGMENT:
STATE OF ARIZONA }
COUNTY OF MARICOPA } 55

ON THIS DAY OF
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, APPROVED
WILSON PLACE HOMEOWNERS ASSOCIATION, AS AUTHORIZED
REPRESENTATIVE, EXECUTED THE FOREGOING INSTRUMENT FOR THE
PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF:
I HEREunto SET MY HAND & OFFICIAL SEAL
BY: NOTARY PUBLIC
MY COMMISSION EXPIRES



DECLARATION:
STATE OF ARIZONA }
COUNTY OF MARICOPA } 55

KNOW ALL MEN BY THESE PRESENTS
THAT WILSON PLACE HOMEOWNERS ASSOCIATION, AS AUTHORIZED REPRESENTATIVE OF
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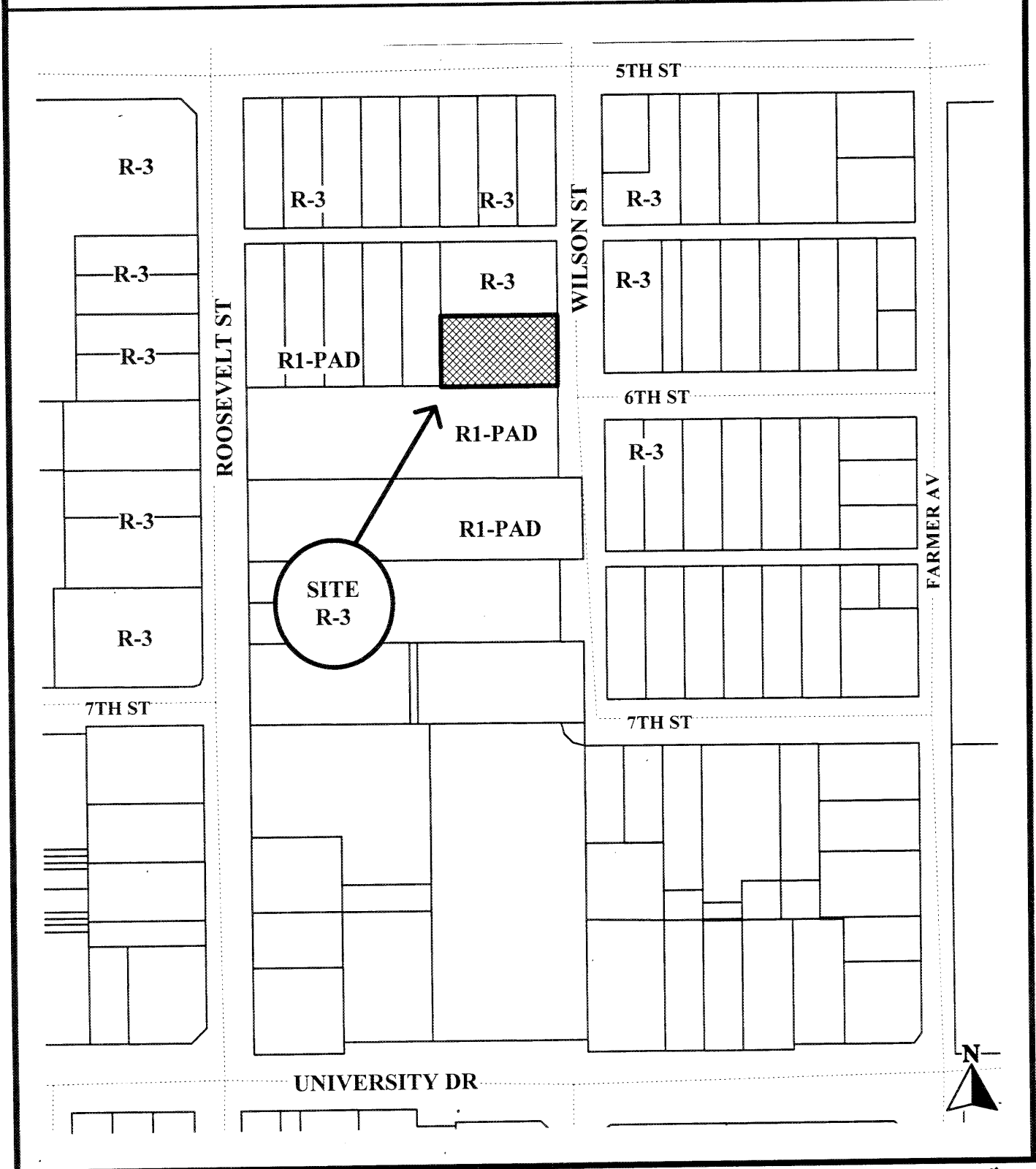


Cross Area: 0.62 ACRES	FLEET & FISHER ENGINEERING INC.
4200 EAST CATERPILLAR RD. SUITE 100 PHOENIX, ARIZONA 85032	243-01 SHEET 1 OF 1

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WILSON PLACE
SIP-2001.26
SHR-2001.36

Location Map


**CONDITION(S)
OF APPROVAL:**

1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
- b. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains.
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
- c. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees.
 - (2) Water and/or sewer participation charges.
 - (3) Inspection and testing fees.
- d. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
2. a. All street dedications shall be made within six (6) months of Council approval.
- b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
- c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe - Section 25.120.
3. No variances may be created by future property lines without the prior approval of the City of Tempe.
4. A Final Subdivision Plat (Horizontal Regime) shall be recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department prior to building permits for the Wilson Place Condominiums improvements. The Planning Division staff, prior to recordation, shall review details of the document format.

COMMENTS: Wilson Place is an existing 13-unit condominium complex located at the north west corner of Wilson Street and the new proposed 6th Street re-alignment.

As part of the overall neighborhood improvement and the new approved town home development (Brownstone at Hyde Park), 6th Street was dedicated (recommended by Public Works staff) as a public street. The developer of Brownstone at Hyde Park, under a mutual agreement with the Wilson Place Condominiums Association, proposes parking areas and landscape improvements along the new 6th Street alignment (at the south side of Wilson place Condominiums site). These improvements require the approval of five (5) variances. All those variances relate to the proposed improvements and should not create any hardship or detriment to the Wilson Place Condominiums owners or adjacent property owners.

In addition, the trash enclosure will be relocated from the southwest area to the northwest end of the subject site. The overall improvements appear to not only benefit the Wilson Place Condominiums owners but also the new approved adjacent town homes.

An amended Final Subdivision Plat (Horizontal Regime) is also part of this request to reflect any changes on property lines and street dedications. Staff supports the requested site plan, variances, and Horizontal Regime amendment since it appears that the overall request benefits property owners, adjacent neighbors, and the neighborhood as part of neighborhood improvements, infill and redevelopment projects in the area. To date, no public input has been received.

**REASON(S) FOR
APPROVAL:**

1. The approval of the requested variances should not be detrimental to adjacent property owners and appear to help improve the existing conditions of the parking areas of Wilson Place condominiums and the area along the proposed alignment of 6th Street.
2. The requested amendment to the existing recorded Horizontal Regime Plan should reflect and record all proposed modifications.

HISTORY & FACTS:

- | | |
|-------------------|---|
| July 8, 1982. | City Council approved a Horizontal Regime subdivision for Wilson Place, a condominium development. |
| February 8, 2001. | City Council approved the Brownstone at Hyde Park townhomes, adjacent to the Wilson Place condominiums. |
| April 12, 2001. | City Council introduced this request. |
| April 19, 2001. | City Council held the first public hearing for this request. |

DESCRIPTION:

Owner – Wilson Place Owners Association
Applicant – Roberts/Jones Associates
Architect – Jonathan Peiffer, AIA
Existing zoning – R-3
Total site area – 0.62 net acres
Existing Number of units - 13
Density allowed – 20 du/ac
Existing Density – 16 du/ac
Total bldg. area – 13,100 s.f.
Lot coverage – 24%
Parking required – 30 spaces
Total Parking provided – 26 (variance request)
RV parking required - 1
RV parking provided – 0 (previously approved variance)
Bicycle parking required - 14
Bicycle parking provided - 14
Minimum Landscaping Required - 30%
Landscape Provided – 46%

Requested Variances:

1. Waive the required parking screen walls along 6th Street.
2. Reduce the minimum required driveway length, along 6th Street from 20' to 6'.
3. Reduce the number of parking spaces required from 30 to 26.
4. Waive the required landscape islands at the end of parking rows.
5. Reduce the minimum required street side yard building setback from 25' to 6' for the parking structure columns along 6th Street.

- ATTACHMENTS:**
1. List of Attachments
 2. History & Facts / Description
 3. Comments
 4. Conditions of Approval
-
- A. Location Map
 - B. Site Plan, Final Plat (Horizontal Regime)
 - C. Horizontal Regime, Final Plat
 - D. Letter of Intent/Authorization
 - E. Previously approved Subdivision Plat (Horizontal Regime)

**Staff
Summary
Report**



**To: Mayor and City Council
Through: City Manager**

**Agenda Item Number 22
Meeting Date: 04/26/01**

SUBJECT: WILSON PLACE CONDOMINIUMS #SIP-2001.26, #SHR-2001.36

PREPARED BY: Hector Tapia, Senior Planner (480-350-8331)

REVIEWED BY: Dave Fackler, Development Services Manager (480-350-8333)

q-j

BRIEF: This is the first public hearing for a site plan for Wilson Place Condominiums at 540 South Wilson Place.

COMMENTS: **PLANNED DEVELOPMENT (0406)** Hold the second public hearing for **WILSON PLACE CONDOMINIUMS** (Wilson Place Condominiums Association, property owner) for a Site Plan and Horizontal Regime located at 540 South Wilson Street. The following approval is requested from the city of Tempe:

#SIP-2001.26 A Site Plan for 13 condominium units (13,100 total building area) on 0.62 net acres at 540 South Wilson Street. **(Please see variances on page 2.)**

#SHR-2001.36 A Final Subdivision Plat, Horizontal Regime, for Wilson Place Condominiums consisting of 13 units on 0.62 net acres.

Document Name: 20010426devsrh03 **Supporting Documents:** Yes

SUMMARY: Wilson Place is an existing 13-unit condominium complex located at the north west corner of Wilson Street and the new proposed 6th Street re-alignment. Due to the new approved town home development (Brownstone at Hyde Park), 6th Street was dedicated as a public street. As part of the overall project, the developer of Brownstone at Hyde Park, under a mutual agreement with the Wilson Place Condominiums Association, proposes parking areas and landscape improvements along the new 6th Street alignment (at the south side of Wilson place Condominiums site). These improvements trigger some variances. In addition, the trash enclosure will be relocated from the southwest area to the northwest end of the subject site. The overall improvements appear to not only benefit the Wilson Place Condominiums owners but also the new approved adjacent town homes. An Amended Final Subdivision Plat (Horizontal Regime) is also part of this request to reflect any changes on property lines and street dedications. On April 19, 2001, Council held the first. Staff supports the requested site plan, variances, and Final Plat (Horizontal Regime) since it appears that the overall request benefits property owners, adjacent neighbors, and the neighborhood as part of neighborhood improvements, infill and redevelopment projects in the area.

RECOMMENDATION: Staff – Approval.
Public - None